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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,269	07/31/2003	Shahpour Ashaari	08049.0917-00000	3785
7590 07/28/2004 Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, DC 20005-3315			EXAMINER WALSH, DANIEL I	
			ART UNIT 2876	PAPER NUMBER

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,269

Applicant(s)

ASHAARI, SHAHPOUR

Examiner

Daniel I Walsh

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2, 5-6, 10, 14, 15, 18, 19, 23, 27, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (US 2002/0032612) in view of Bong et al. (US 2004/0084527).

Re claims 1 and 14, Williams et al. teaches a user printable shipping label (FIG. 27A) as is well known and conventional in the art, that is used to ship item(s). Such labels are preprinted by a mailer and applied to packages that are dropped off at an induction facility for delivery, or that can be picked up by a courier for delivery. It is understood that in creating such a label that a mailing code associated with the mailing is received from the user (through creation of the label) and that upon pick/drop off, that the package is received at an induction facility, and scanned in and matched to the received data (verification and tracking data updated). Such a procedure is well known and common (FedEx, UPS, USPS etc). The Examiner notes that online tracking (including providing user information regarding induction, delivery, etc.) is well known and conventional in the art.

Williams et al. teaches mailings, and therefore is silent to receiving shipment information comprising a shipment identifier, receiving the shipment at an induction facility where the

shipment comprises an encoded shipment identifier, that the encoded shipment identifier or mailing code is scanned and matched to the shipment identifier, that mailer is notified of induction of the shipment, that the encoded shipment identifier or mailing code is scanned at a delivery facility, and that the mailer is notified of delivery of the shipment, as Williams et al. teaches all the mentioned limitations with reference to a single mailing, and not a consolidated shipment.

Bong et al. teaches a consolidated shipping container that houses subpackages (mailings), thus teaching a shipment. Bong et al. teaches a shipment identifier through its tracking identifier that is associated with the consolidated shipping container (paragraph [0022]+). It is obvious that shipment information, including a shipment identifier, is received in order to create a tracking identifier, as is well known and conventional in the art, and as mentioned above in re the mailing code. Further, it is well known and conventional that packages are received at an induction facility, where they are scanned in (verified and tracking data updated) before they are shipped, and that packages are scanned in at a delivery facility when delivered, as discussed above. Tracking information relating to the packages are supplied to the mailer, as is well known and conventional in the art. Accordingly, it would have been obvious to provide such scanning and tracking means, taught by Williams et al. of individual mailings, to a shipment, in order to provide tracking information to the mailer.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Williams et al. with those of Bong et al.

One would have been motivated to do this in order to reduce costs on shipping by consolidating packages, but still tracking them in order to provide up to date mailing and shipment information.

Re claims 2 and 15, Williams et al. teaches a shipping label, but is silent to a cost of mailing of the package being estimated, based on the mailing information. The Examiner notes that shipping calculators are well known and conventional in the art, and that shipping companies such as FedEx provide online printing of shipping labels and shipping calculators to determine shipping costs based on mailing information (see US 5,710,887 col 8, lines 45+ and 2003/0220887).

Re claims 5-6, it is well known and conventional in the art that tracking of packages includes scanning the packages to provide in process scan data (updated location information), that is provided to the mailer (online).

Re claim 10, it is well known and conventional that home delivery dates are estimated during shipping.

Re claim 14, it is well known and conventional that memory and processors are used when tracking a package/shipment.

Re claims 18-19, it is well known and conventional to provide up to date tracking information to the mailer, as in process scan data.

Re claim 23, it is well known and obvious that a processor/computer provides the estimate of delivery dates.

Re claim 27, the limitations have been discussed above re claim 14. As such steps are performed electronically/by computer, it is understood that they are stored on a computer readable medium.

Re claims 28, 31, and 32 the limitations have been discussed above re claims 14, 18, and 19.

Re claim 36, the limitations have been discussed above re claim 23, where it is understood the instructions are executed to complete the claimed steps.

2. Claims 3-4, 16-17, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al./Bong et al., further in view of Stickler et al. (US 2003/0220887).

The teachings of Williams et al./Bong et al. have been discussed above.

Williams et al./Bong et al. teaches a shipping label but it is silent to checking an account to verify funds for the cost of mailing.

Stickler et al. teaches an account where funds are drawn to pay for shipping (paragraph [0008]). It is well known and conventional in the art that accounts/trusts are initiated between a shipping company and mailer, in order to expedite and streamline the shipping process (FedEx, for example). It is well known and conventional that a processor/computer performs the checking and debiting functions.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Williams et al./Bong et al. with those of Stickler et al.

One would have been motivated to do this in order to expedite the shipping and charging process, as is conventional in the art.

Re claims 29-30, the limitations have been discussed above re claims 16-17, where it is understood that a computer/processor performs the steps, and accordingly, the instructions are of a computer readable medium.

3. Claims 7-9, 11-13, 20-22, 24-26, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al./Bong et al., further in view of Manduley et al. (US 5,043,908).

The teachings of Williams et al./Bong et al. have been discussed above. Re claim 9 and 11, Williams et al. teaches count values (FIG. 27A, top of the label). It is obvious that such information is received from the mailer, in order to correctly process the shipment.

Williams et al./Bong et al. is silent to estimating future loads by receiving an induction date in the mailing information, and estimating future loads based on the induction date.

Manduley et al. teaches using the mailing information to estimate future loads, including receiving an induction date in the mailing information (col 14, lines 12+ and FIG. 7). Re claim 9, Manduley et al. teaches that the number of tracked articles that have left and will arrive at their corresponding location can be processed (col 14, lines 1+) count value. Accordingly, it is obvious that volume is also a determining factor for estimating future loads as is known in the art.

Re claims 11-13, as discussed above, the delivery location determines the route (induction locations) along the way. Accordingly, it is interpreted by the Examiner that the system load is estimated based on both the delivery location and induction location, as discussed above, as the number of tracked articles that have left and will arrive at the induction locations (determined by the delivery location) are processed to determined system load. Such shipment information is received from the mailer.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Williams et al./Bong et al. with those of Manduley et al.

One would have been motivated to do this to determine future loads of the system to ensure reliable package delivery/shipping.

Re claims 20-22, it is well know and obvious that a processor performs the estimation functions/calculations.

Re claims 24-26, the limitations have been discussed above re claims 9, 12, and 13. Additionally, it is well known that a processor with memory performs such steps.

Re claims 33-35, the limitations have been discussed above re claims 20-22, where it is understood that the instructions are executed to perform the claimed steps.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Baldassari et al. (US 2004/0004119), Edens (US 5,984,507), Acton et al. (US 2004/0139036), Soltis (US 2004/0010475), Charroppin (US 2003/0069862), Rozendaal et al. (US 2004/0073522), Foth et al. (US 2003/0074333 and US 2004/0103060), Gullo (US 2004/0039715). Woods et al. (US 2002/0152174), Algazi et al. (US 2003/0225592), Sansone et al. (US 5,072,401 and US 5,068,797), Belitz et al. (US 5,870,715), Lu et al. (US 5,450,317), Ramsden et al. (US 2004/0089482), Ramin (US 2002/0193225), Rogers (US 2001/0042024), Younouzov (US 2002/0138448), Yeung (US 5,712,787), Gil et al. (US 5,586,037), Young (US 2004/0030604), Hileman (US 2003/0040944), Perez et al. (US 2002/0135802), Cash et al. (US

2004/0117325), Sese et al. (US 2003/0110142), Lewis et al. (US 6,233,565), Rosenbaum et al. (US 5,031,223), Sasone et al. (US 2004/0094615), Hoar (US 2003/0061176), Stadermann (US 6,701,215), Bloom (US 2002/0178074), Taube et al. (US 2001/0035410), and Thomas et al. (US 2003/0171948). Internet web pages 1991-1999

(www.ups.com/content/corp/about/history/1999.html) teaches online tracking, FedEx

(www.fedex.com/us/about/news/pressreleases/archives/pressrelease481140.html) teaches online tracking and online sending of packages, and FedEx

(www.funnybuggy.com/design/design/FEDEX%20Returns/consolidate.htm) teaches tracking numbers for individual items for return, along with a tracking label for a container to consolidate the items for return.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached between the hours of 7:30am to 4:00pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone numbers for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [daniel.walsh@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more

clearly set for the in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

DW
7/19/04

A large, stylized handwritten signature in black ink, likely belonging to D. Walsh, the Art Unit Director.A handwritten signature in black ink, likely belonging to Thien M. Le, the Primary Examiner.

**THIEN M. LE
PRIMARY EXAMINER**